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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055269
Party	Defendant Tango Mango, LLC
Correspondence Address	REBECCA J STEMPIEN COYLE LEVY & GRADINETTI PO BOX 18385 WASHINGTON, DC 20036-8385 UNITED STATES mail@levygrandinetti.com
Submission	Answer
Filer's Name	Rebecca Stempien Coyle
Filer's e-mail	mail@levygrandinetti.com
Signature	/Rebecca Stempien Coyle/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Mango's Tropical Café, Inc.,)	Cancellation No. 92/055,269
)	
Petitioner,)	Registration No. 3,328,822
v.)	
)	Mark: TANGO MANGO
Tango Mango, LLC,)	
)	
Registrant.)	
)	

**REGISTRANT'S ANSWER TO
FIRST AMENDED PETITION TO CANCEL**

The Registrant, Tango Mango, LLC ("Registrant" or "Tango Mango"), by and through counsel, answers the allegations set forth in the First Amended Petition to Cancel as follows.

With respect to the Preamble, the Registrant denies that the Petitioner will be damaged by Registration No. 3,328,822 and denies that there is any basis for cancellation. The Registrant has insufficient knowledge or information as to truth of the remaining allegations contained therein and, on that basis, denies each and every remaining allegation contained in the preamble.

1. The Registrant admits that according to United States Patent and Trademark Office assignment records the Petitioner owns the listed registrations:

No. 4,190,731 for the mark MANGO'S

No. 4,224,643 for the mark MANGO'S TROPICAL CAFÉ

No. 3,284,057 for the mark MANGO'S TROPICAL CAFÉ & Design

No. 3,108,906 for the mark MANGO'S MAMBO BAR & Design

No. 3,700,648 for the mark MANGO'S TROPICAL CAFÉ & Design

No. 3,512,984 for the mark MANGO'S TROPICAL CAFÉ & Design

No. 3,649,192 for the mark MANGO'S TROPICAL CAFÉ & Design

The Registrant further admits that each of the registrations identifies the goods and services listed in Paragraph 1 of the Petition. The Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 1 and therefore denies the same.

2. The Registrant admits that Exhibit A to the First Amended Petition to Cancel consists of copies of registration certificates and status information as of June 20, 2013, for the marks identified in paragraph 1. The Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 and therefore denies the same.

3. The Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 and therefore denies the same.

4. The Registrant admits that, at the time this First Amended Petition to Cancel was filed, the United States Patent and Trademark Office records indicated that Tango Mango, LLC, owned U.S. Reg. No. 3,328,822 and that these records reflect an error or mistake. The error or mistake is the identification of the current owner of the '882 Registration as Tango Mango, LLC, and not Tango Mango, Inc. The Registrant admits that the '882 Registration is for the mark TANGO MANGO and that the registration issued on the Principal Register on November 6, 2007.

5. The Registrant admits the allegations in paragraph 5, except that the Registrant's use of TANGO MANGO started at least as early as July 25, 2005.

6. The Registrant denies each and every allegation of paragraph 6.

7. The Registrant denies each and every allegation of paragraph 7.

8. The Registrant denies each and every allegation of paragraph 8.

9. The Registrant admits that Section 308 of the TBMP references 15 U.S.C. § 1064 and that 15 U.S.C. § 1064 states that a registration may be filed at any time if the registered mark has been abandoned. The Registrant denies that Section 308 of the TBMP discusses the timing of filing a petition to cancel. The Registrant denies the allegations in Paragraph 9 to the extent that it suggests that an error or mistake in identifying an applicant's or registrant's name is sufficient to abandon or cancel a registered mark.

10. The Registrant admits the allegations in Paragraph 10.

11. The Registrant admits that Exhibit B to the First Amended Petition to Cancel is represented to be a June 26, 2013, printout of a "Summary Screen" from the Commonwealth of Massachusetts, Secretary of the Commonwealth, Corporations Division for Tango Mango, Inc. The Registrant further admits that Exhibit B includes text stating a "Date of Revival" of July 2, 2007, and a "Date of Dissolution" of May 31, 2007. The Registrant denies the allegations in paragraph 11 to the extent that they suggest that the entity Tango Mango, Inc., was abandoned, is not a valid entity, cannot claim an organization date of at least September 21, 2004, or otherwise implies or asserts any suggestion as to the legal status, existence, or validity of Tango Mango, Inc., or to any of Tango Mango, Inc.'s property, including intellectual property.

12. The Registrant admits that Exhibit D to the First Amended Petition to Cancel is represented to be a June 26, 2013, printout of a Trademark Assignment Abstract Title from the United States Patent and Trademark Office's Assignments on the Web. The Registrant further admits that Exhibit D includes text, in relation to the '822 Registration, identifying Tango Mango, LLC, as an assignor, Knightspin LLC as an assignee, an execution date of September 24, 2007, and identifying a conveyance as "assigns the entire interest." The Registrant denies the allegations in paragraph 12 to the extent that they suggest that the '822 Registration or the

Registrant's TANGO MANGO mark was abandoned due to any assignment, cannot claim a registration date of November 6, 2007, cannot claim a priority date of at least as early as July 25, 2005, or otherwise implies or asserts any suggestion as to the legal status, existence, or validity of TANGO MANGO mark or the '822 Registration.

13. The Registrant admits that Exhibit D to the First Amended Petition to Cancel is represented to be a June 26, 2013, printout of a Trademark Assignment Abstract Title from the United States Patent and Trademark Office's Assignments on the Web. The Registrant further admits that Exhibit D includes text, in relation to the '822 Registration, identifying Knightspin, LLC, as an assignor, Tango Mango, LLC, as an assignee, and identifying conveyance as a "nunc pro tunc assignment effective 09/20/2010." The Registrant denies the allegations in paragraph 13 to the extent they suggest that the '822 Registration or the Registrant's TANGO MANGO mark was abandoned due to any assignment, cannot claim a registration date of November 6, 2007, cannot claim a priority date of at least as early as July 25, 2005, or otherwise implies or asserts any suggestion as to the legal status, existence, or validity of TANGO MANGO mark or the '822 Registration.

14. The Registrant admits that Exhibit E to the First Amended Petition to Cancel is represented to be a June 26, 2013, printout of a "Public Browse and Search – Entity Results" page from the Commonwealth of Massachusetts, Secretary of the Commonwealth, Corporations Division for records matched to a "Begins with Search for Entity Name: tango mango." The Registrant further admits that Exhibit E includes text identifying only two entity names: Tango Mango Too, Inc., and Tango Mango, Inc. The Registrant denies the allegations in paragraph 14 to the extent they suggest that the entity identified as Tango Mango, LLC, was not or is not merely an error or mistake in identifying Tango Mango, Inc., or otherwise imply or assert any

suggestion as to the legal status, existence, or validity of Tango Mango, Inc., or to any of Tango Mango, Inc.'s property, including intellectual property. The Registrant further denies the allegations in paragraph 14 to the extent they suggest that the '822 Registration or the Registrant's TANGO MANGO mark was abandoned due to any assignment, cannot claim a registration date of November 6, 2007, or cannot claim a priority date of at least as early as July 25, 2005, or to the extent they otherwise imply or assert any suggestion as to the legal status, existence, or validity of TANGO MANGO mark or the '822 Registration.

15. The Registrant admits that 15 U.S.C. § 1127 defines a person as a natural person or a juristic person, and that a juristic person is further defined as a "firm, corporation, union, association, or other organization capable of suing and being sued in a court of law." The Registrant admits that TMEP 803 states that "[a]pplicants may be natural persons or juristic persons. Juristic persons include corporations, partnerships, joint ventures, unions, associations and other organizations capable of suing and being sued in a court of law." The Registrant further admits that TMEP 501.05 states that "[a]n assignee, like an applicant, must be a natural or juristic person." The Registrant denies the remainder of the allegations in paragraph 15.

16. The Registrant denies each and every allegation of paragraph 16.

17. The Registrant denies each and every allegation of paragraph 17.

18. The Registrant denies the allegations in paragraph 18 to the extent that they suggest that Tango Mango, Inc., and "Tango Mango, LLC," are not the same, single commercial enterprise. The Registrant admits that Tango Mango, Inc., and Knightspin, LLC, are not the same, single commercial enterprise. The Registrant further admits that "TANGO MANGO, LLC," and Knightspin, LLC, are not the same, single commercial enterprise. The Registrant further denies

the allegations in this paragraph to the extent they suggest that the identification of TANGO MANGO LLC was more than an error or mistake as to the legal name of the Registrant.

19. The Registrant denies the allegations in paragraph 19 to the extent that they suggest that the entity identified as Tango Mango, LLC, was not or is not merely an error or mistake in identifying Tango Mango, Inc., or otherwise implies or asserts any suggestion as to the legal status, existence, or validity of Tango Mango, Inc., or to any of Tango Mango, Inc.'s property, including intellectual property. The Registrant further denies the allegations in paragraph 19 to the extent they suggest that the '822 Registration or the Registrant's TANGO MANGO mark was abandoned due to any assignment, cannot claim a registration date of November 6, 2007, or cannot claim a priority date of at least as early as July 25, 2005, or to the extent they otherwise imply or assert any suggestion as to the legal status, existence, or validity of TANGO MANGO mark or the '822 Registration. The Registrant further denies the allegations in paragraph 19 to the extent they suggest that the original identification of Tango Mango, Inc., as the registrant is not valid or that Tango Mango, Inc., did not obtain the '822 Registration.

20. The Registrant denies each and every allegation of paragraph 20.

Affirmative Defenses

21. The First Amended Petition to Cancel fails to state a claim upon which relief can be granted.

22. The Petitioner is not entitled to maintain its First Amended Petition to Cancel by reason of estoppel, laches, acquiescence, and/or unclean hands.

23. The Petitioner is not entitled to maintain its First Amended Petition to Cancel because the Registrant's mark TANGO MANGO taken in its entirety is not similar in sound, connotation, or appearance with and has not caused, and is not likely to cause, confusion with any of the

Petitioner's marks that are the subject of Registration Nos. 4,190,731, 4,224,643 3,284,057, 3,108,906, 3,700,648, 3,512,984 and 3,649,192.

24. The Petitioner is not entitled to maintain its First Amended Petition to Cancel because the Petitioner lacks trademark rights in and lacks valid registration for Petitioner's purported rights in "MANGO'S TROPICAL CAFÉ," "MANGO'S MAMBO BAR," and "MANGO'S."

25. The Petitioner is not entitled to maintain its First Amended Petition to Cancel because the Registrant's mark TANGO MANGO taken in its entirety and used in connection with carryout restaurants, restaurant services, restaurants, or take-out restaurant services is not confusingly similar to the Petitioner's goods and services that are the subject of Registration Nos. 4,190,731, 4,224,643 3,284,057, 3,108,906, 3,700,648, 3,512,984 and 3,649,192 and is not likely to cause confusion with the Petitioner's marks.

26. Upon information and belief, the Petitioner will not be damaged in any way by the continued use and registration of Registrant's Registration No. 3,328,822 for TANGO MANGO.

Wherefore, the Registrant prays that judgment be granted in its favor, declaring that the Petitioner is not entitled to the relief prayed for and that the First Amended Petition to Cancel and this Cancellation proceeding be dismissed.

Respectfully submitted,

September 5, 2013
Date

/ Rebecca J. Stempien Coyle /
Rebecca J. Stempien Coyle
LEVY & GRANDINETTI
P.O. Box 18385
Washington, D.C. 20036-8385
Telephone (202) 429-4560
Facsimile (202) 429-4564
mail@levygrandinetti.com

ATTORNEY FOR REGISTRANT

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing REGISTRANT'S ANSWER TO FIRST
AMENDED PETITION TO CANCEL was served this date via e-mail on the Petitioner's
attorneys as follows:

Mr. David K. Friedland
Mr. Jaime Vining
FRIEDLAND VINING, P.A.
1500 San Remo Avenue, Suite 200
Coral Gables, Florida 33146
dkf@friedlandvining.com
JRV@friedlandvining.com

September 5, 2013
Date

/ Rebecca J. Stempien Coyle /
Rebecca J. Stempien Coyle